



## RAILROAD RETIREMENT BOARD

### Agency Forms Submitted for OMB Review, Request for Comments

*Summary.* In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) is forwarding an Information Collection Request (ICR) to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB). Our ICR describes the information we seek to collect from the public. Review and approval by OIRA ensures that we impose appropriate paperwork burdens.

The RRB invites comments on the proposed collections of information to determine (1) the practical utility of the collections; (2) the accuracy of the estimated burden of the collections; (3) ways to enhance the quality, utility, and clarity of the information that is the subject of collection; and (4) ways to minimize the burden of collections on respondents, including the use of automated collection techniques or other forms of information technology. Comments to the RRB or OIRA must contain the OMB control number of the ICR. For proper consideration of your comments, it is best if the RRB and OIRA receive them within 30 days of the publication date.

*1. Title and purpose of information collection:* Railroad Service and Compensation Reports/System Access Application; OMB 3220-0008.

Under Section 9 of the Railroad Retirement Act (RRA) and Section 6 of the Railroad Unemployment Insurance Act (RUIA), the Railroad Retirement Board (RRB) maintains for each railroad employee, a record of compensation paid to that employee by all railroad employers for whom the employee worked after 1936. This record, which is used by the RRB to determine eligibility for, and amount of, benefits due under the laws it administers, is conclusive as to the

amount of compensation paid to an employee during such period(s) covered by the report(s) of the compensation by the employee's railroad employer(s), except in cases when an employee files a protest pertaining to his or her reported compensation within the statute of limitations cited in Section 9 of the RRA and Section 6 of the RUIA.

To enable the RRB to establish and maintain the record of compensation, employers are required to file with the RRB, reports of their employees' compensation, in such manner and form and at such times as the RRB prescribes. Railroad employers' reports and responsibilities are prescribed in 20 CFR 209. The RRB currently utilizes Form BA-3, *Annual Report of Creditable Compensation*, and Form BA-4, *Report of Creditable Compensation Adjustments*, to secure the required information from railroad employers. Form BA-3 provides the RRB with information regarding annual creditable service and compensation for each individual who worked for a railroad employer covered by the RRA and RUIA in a given year. Form BA-4 provides for the adjustment of any previously submitted reports and also the opportunity to provide any service and compensation that had been previously omitted. Requirements specific to Forms BA-3 and BA-4 are prescribed in 20 CFR 209.8 and 209.9.

Employers currently have the option of submitting BA-3 and BA-4 reports electronically by CD-ROM, secure Email, File Transfer Protocol (FTP), or online via the RRB's Employer Reporting System (ERS).

The information collection also includes RRB Form BA-12, Application for Employer Reporting Internet Access, and Form G-440, Report Specifications Sheet. Form BA-12 is completed by railroad employers to obtain system access to ERS. Once access is obtained, authorized employees may submit reporting forms online to the RRB. The form determines what degree of access (view/only, data entry/modification or approval/submission) is appropriate for that

employee. It is also used to terminate an employee's access to ERS. Form G-440, Report Specifications Sheet, serves as a certification document for Forms BA-3 and BA-4 as well as other RRB employer reporting forms (Form BA-6a, BA-6 Address Report (OMB 3220-0005), Form BA-9, Report of Separation Allowance or Severance Pay (OMB 3220-0173) and Form BA-11, Report of Gross Earnings (OMB 3220-0132)). It records the type of medium the report was submitted on, and serves as a summary recapitulation sheet for reports filed on paper.

*Previous Requests for Comments:* The RRB has already published the initial 60-day notice (83 FR 3778 on January 26, 2018) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

#### **Information Collection Request (ICR)**

Title: Railroad Service and Compensation Reports/System Access Application

OMB Control Number: 3220-0008

Form(s) submitted: BA-3, BA-3 (Internet), BA-4, BA-4 (Internet), BA-12 and G-440

Type of request: Revision of a currently approved collection

Affected public: Private Sector; Businesses or other for-profits

Abstract: Under the Railroad Retirement Act and the Railroad Unemployment Insurance Act, employers are required to report service and compensation for each employee to update Railroad Retirement Board records for payments of benefits. The collection obtains service and compensation information and information needed to ensure secure system access from employers who voluntarily opt to use the RRB's Internet-based Employer Reporting System to submit reporting forms and information needed to certify employer reporting transactions.

Changes proposed: The RRB proposes minor non-burden impacting changes to Form BA-12 and G-440.

The burden estimate for the ICR is as follows:

Reporting	Responses	Time (minutes) <u>1/</u>	Burden (Hours)
<b>BA-3</b>			
Electronic Media <u>2/</u>	96	46.25 (2,775 min)	4,440
BA-3 (Internet)	617	46.25 (2,775 min)	28,536
<b>Total BA-3</b>	<b>713</b>		<b>32,976</b>
<b>BA-4</b>			
Paper	40	1.25 (75 min)	50
Electronic Media <u>2/</u>	345	1.00 (60 min)	345
BA-4 (Internet)	3,912	.33 (20 min)	1,304
<b>Total BA-4</b>	<b>4,297</b>		<b>1,699</b>
<b>BA-12</b>			
Initial Access	295	.33 (20 min)	98
Access Termination	38	.166 (10 min)	7
<b>Total BA-12</b>	<b>333</b>		<b>105</b>
<b>G-440 (certification)</b>			
Form BA-3 (zero employees)	19	.25 (15 min)	5
Form BA-11 (zero employees)	60	.25 (15 min)	15
Paper forms (without recap)	7	.25 (15 min)	1
Electronic transactions	94	.50 (30 min)	47
BA-3 and BA-4 (with recap)	125	1.25 (75 min)	156
<b>Total G-440</b>	<b>305</b>		<b>224</b>
<b>Grand Total</b>	<b>5,648</b>		<b>35,074</b>

2. *Title and purpose of information collection:* Application for Benefits Due But Unpaid at Death; OMB 3220-0055.

Under Section 2(g) of the Railroad Unemployment Insurance Act, benefits that accrued but were not paid because of the death of the employee shall be paid to the same individual(s) to whom benefits are payable under Section 6(a)(1) of the Railroad Retirement Act. The provisions relating to the payment of such benefits are prescribed in 20 CFR 325.5 and 20 CFR 335.5.

The RRB provides Form UI-63, Application for Benefits Due But Unpaid at Death, to those applying for the accrued sickness or unemployment benefits unpaid at the death of the

employee and for obtaining the information needed to identify the proper payee. One response is requested of each respondent. Completion is required to obtain a benefit.

*Previous Requests for Comments:* The RRB has already published the initial 60-day notice (83 FR 3779 on January 26, 2018) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

### **Information Collection Request (ICR)**

Title: Application for Benefits Due but Unpaid at Death

OMB Control Number: 3220-0055

Form(s) submitted: UI-63

Type of request: Extension without change of a currently approved collection

Affected public: Individuals or Households

Abstract: The collection obtains the information needed by the Railroad Retirement Board to pay benefits accrued under section 2(g) of the Railroad Unemployment Insurance Act, but not paid because of the death of the employee.

Changes proposed: The RRB proposes no changes to Form UI-63.

The burden estimate for the ICR is as follows:

Form Number	Annual Responses	Time (Minutes)	Burden (Hours)
UI-63	15	7	2

3. *Title and purpose of information collection:* Medicare; OMB 3220-0082.

Under Section 7(d) of the Railroad Retirement Act (RRA), the Railroad Retirement Board (RRB) administers the Medicare program for persons covered by the railroad retirement system. The RRB uses Form AA-6, Employee Application for Medicare; Form AA-7, Spouse/Divorced

Spouse Application for Medicare; and Form AA-8, Widow/Widower Application for Medicare; to obtain the information needed to determine whether individuals who have not yet filed for benefits under the RRA are qualified for Medicare payments provided under Title XVIII of the Social Security Act.

Further, in order to determine if a qualified railroad retirement beneficiary who is claiming supplementary medical insurance coverage under Medicare is entitled to a Special Enrollment Period (SEP) and/or premium surcharge relief because of coverage under an Employer Group Health Plan (EGHP), the RRB needs to obtain information regarding the claimant's EGHP coverage, if any. The RRB uses Form RL-311-F, Evidence of Coverage Under An Employer Group Health Plan, to obtain the basic information needed to establish EGHP coverage for a qualified railroad retirement beneficiary.

Completion of the forms is required to obtain a benefit. One response is requested of each respondent.

*Previous Requests for Comments:* The RRB has already published the initial 60-day notice (83 FR 3779 on January 26, 2018) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

### **Information Collection Request (ICR)**

Title: Medicare

OMB Control Number: 3220-0082

Form submitted: AA-6, AA-7, AA-8 and RL-311-F

Type of request: Extension without change of a currently approved collection

Affected public: Individuals or Households; Businesses or other for profits

Abstract: The Railroad Retirement Board administers the Medicare program for persons covered by the railroad retirement system. The forms in the collection obtain both information needed to enroll non-retired employees and survivor applicants in the plan and information from railroad employers needed to determine if a railroad retirement beneficiary is entitled to a special enrollment period when applying for supplemental medical coverage under Medicare.

Changes proposed: The RRB proposes no changes to the forms in the collection.

The burden estimate for the ICR is as follows:

Form Number	Annual Responses	Time (Minutes)	Burden (Hours)
AA-6	180	8	24
AA-7	50	8	7
AA-8	10	8	1
RL-311-F	2,000	10	333
<b>Total</b>	<b>2,240</b>		<b>365</b>

*4. Evidence for Application of Overall Minimum: OMB 3220-0083.*

Under Section 3(f)(3) of the Railroad Retirement Act (RRA), the total monthly benefits payable to a railroad employee and his/her family are guaranteed to be no less than the amount which would be payable if the employee's railroad service had been covered by the Social Security Act. This is referred to as the Social Security Overall Minimum Guarantee, which is prescribed in 20 CFR 229. To administer this provision, the Railroad Retirement Board (RRB) requires information about a retired employee's spouse and child(ren) who would not be eligible for benefits under the RRA but would be eligible for benefits under the Social Security Act if the employee's railroad service had been covered by that Act. The RRB obtains the required information by the use of Forms G-319, Statement Regarding Family and Earnings for Special Guaranty Computation, and G-320, Student Questionnaire for Special Guaranty Computation.

One response is required of each respondent. Completion is required to obtain or retain benefits. The RRB proposes no changes to Forms G-319 and G-320.

*Previous Requests for Comments:* The RRB has already published the initial 60-day notice (83 FR 3779 on January 26, 2018) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

### **Information Collection Request (ICR)**

Title: Evidence for Application of Overall Minimum

OMB Control Number: 3220-0083

Forms submitted: G-319 and G-320

Type of request: Extension without change of a currently approved collection

Affected public: Individuals or Households

Abstract: Under Section 3(f)(3) of the Railroad Retirement Act, the total monthly benefits payable to a railroad employee and his/her family are guaranteed to be no less than the amount which would be payable if the employee's railroad service had been covered by the Social Security Act.

Changes proposed: The RRB proposes no changes to the forms in the collection.



The burden estimate for the ICR is as follows:

Form Number	Annual Responses	Time (Minutes)	Burden (Hours)
G-319 (completed by the employee)			
With assistance	5	26	2
Without assistance	230	55	211
G-319 (completed by spouse)			
With assistance	5	30	2
Without assistance	10	60	10
G-320 (Age 18 at Special Guaranty Begin Date or Special Guaranty Age 18 Attainments)	30	15	7
G-320 (Student Monitoring done in Sept, March and at end of school year)	10	15	2
<b>Total</b>	290		234

5. *Title and purpose of information collection: Request to Non-Railroad Employer for Information About Annuitant's Work and Earnings; OMB 3220-0107.*

Under Section 2 of the Railroad Retirement Act (RRA), a railroad employee's retirement annuity or an annuity paid to the spouse of a railroad employee is subject to work deductions in the Tier II component of the annuity and any employee supplemental annuity for any month in which the annuitant works for a Last Pre-Retirement Non-Railroad Employer (LPE). The LPE is defined as the last person, company, or institution, other than a railroad employer, that employed an employee or spouse annuitant. In addition, the employee, spouse, or divorced spouse Tier I annuity benefit is subject to work deductions under Section 2(f)(1) of the RRA for earnings from any non-railroad employer that are over the annual exempt amount. The regulations pertaining to non-payment of annuities by reason of work and LPE are contained in 20 CFR 230.1 and 230.2.

The RRB utilizes Form RL-231-F, Request to Non-Railroad Employer for Information About Annuitant's Work and Earnings, to obtain the information needed to determine if a work

deduction should be applied because an annuitant worked in non-railroad employment after the annuity beginning date. One response is requested of each respondent. Completion is voluntary. The RRB proposes no changes to Form RL-231-F.

*Previous Requests for Comments:* The RRB has already published the initial 60-day notice (83 FR 3780 on January 26, 2018) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

### **Information Collection Request (ICR)**

Title: Request to Non-Railroad Employer for Information About Annuitant's Work and Earnings

OMB Control Number: 3220-0107

Form(s) submitted: RL-231-F

Type of request: Extension without change of a currently approved collection

Affected public: Private Sector; Businesses or other for-profits, Not-for-profit institutions

Abstract: Under the Railroad Retirement Act (RRA), benefits are not payable if an annuitant works for an employer covered under the RRA or last non-railroad employer. The collection obtains information regarding an annuitant's work and earnings from a non-railroad employer. The information is used to determine whether benefits should be withheld.

Changes proposed: The RRB proposes no changes to Form RL-231-F.

The burden estimate for the ICR is as follows:

Form Number	Annual Responses	Time (Minutes)	Burden (Hours)
RL-231-F	300	30	150

6. *Title and purpose of information collection: Gross Earnings Report; OMB 3220-0132.*

In order to carry out the financial interchange provisions of section 7(c)(2) of the Railroad Retirement Act (RRA), the RRB obtains annually from railroad employer's the gross earnings for their employees on a one-percent basis, i.e., 1% of each employer's railroad employees. The gross earnings sample is based on the earnings of employees whose social security numbers end with the digits "30." The gross earnings are used to compute payroll taxes under the financial interchange.

The gross earnings information is essential in determining the tax amounts involved in the financial interchange with the Social Security Administration and Centers for Medicare & Medicaid Services. Besides being necessary for current financial interchange calculations, the gross earnings file tabulations are also an integral part of the data needed to estimate future tax income and corresponding financial interchange amounts. These estimates are made for internal use and to satisfy requests from other government agencies and interested groups. In addition, cash flow projections of the social security equivalent benefit account, railroad retirement account and cost estimates made for proposed amendments to laws administered by the RRB are dependent on input developed from the information collection.

The RRB utilizes Form BA-11 to obtain gross earnings information from railroad employers. Employers have the option of preparing and submitting BA-11 reports online via the RRB's Employer Reporting System or on paper (or in like format) on magnetic tape cartridges, by File Transfer Protocol (FTP), or secure Email. The online BA-11 includes the option to file a "negative report" (no employees, or no employees with the digits "30"). Completion is mandatory. One response is requested of each respondent.

*Previous Requests for Comments:* The RRB has already published the initial 60-day notice (83 FR 3780 on January 26, 2018) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

### **Information Collection Request (ICR)**

Title: Gross Earnings Report

OMB Control Number: 3220-0132

Form(s) submitted: BA-11, BA-11 (Internet)

Type of request: Extension without change of a currently approved collection

Affected public: Private Sector; Businesses or other for-profits

Abstract: Section 7(c)(2) of the Railroad Retirement Act requires a financial interchange between the OASDHI trust funds and the railroad retirement account. The collection obtains gross earnings of railway employees on a 1% basis. The information is used to determine the amount which would place the OASDHI trust funds in the position they would have been if railroad service had been covered by the Social Security and FIC Acts.

Changes proposed: The RRB proposes no changes to Form BA-11.

The burden estimate for the ICR is as follows:

Form Number	Annual Responses	Time (Minutes)	Burden(Hours)
BA-11 File Transfer Protocol	7	300 (5 hours)	35
BA-11 CD-ROM	5	30	2
BA-11 secure Email	5	30	2
BA-11 (Internet) – Positive	137	30	68
BA-11 (Internet) – Negative	329	15	82
<b>Total</b>	<b>483</b>		<b>189</b>

*Additional Information or Comments:* Copies of the forms and supporting documents can be obtained from Dana Hickman at (312) 751-4981 or Dana.Hickman@RRB.GOV.

Comments regarding the information collection should be addressed to Brian Foster, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois, 60611-1275 or Brian.Foster@rrb.gov and to the OMB Desk Officer for the RRB, Fax: 202-395-6974, Email address: OIRA\_Submission@omb.eop.gov.

**Brian D. Foster,**

*Clearance Officer.*

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